

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JACK FERM,

Plaintiff,

vs.

COLLEEN MCCARTY, et al.,

Defendants.

Case No. 2:12-cv-00782-GMN-PAL

**REPORT OF FINDINGS
AND RECOMMENDATION**

(Mtn for Summary Judgment - Dkt. #23)

This matter is before the court on Plaintiff Jack Ferm's Motion for Partial Summary Judgment on the Issue of Liability Re: Intentional Infliction of Emotional Distress (Dkt. #23); the Declaration of Herb Sachs (Dkt. #24) submitted in support of Plaintiff's Motion for Partial Summary Judgment; Defendants Colleen McCarty's, KLAS, LLC's, and Steve Kanigher's Response (Dkt. #37); and Plaintiff's Errata/Reply (Dkt. #55).

The undersigned entered an Order and Report of Findings and Recommendation recommending that Plaintiff's First Amended Complaint be dismissed with leave to amend. The court found that Plaintiff had not established the court's subject matter jurisdiction or complied with Rule 8 of the Federal Rules of Civil Procedure and recommended dismissal of the First Amended Complaint (Dkt. #5) with leave to amend.

Accordingly,

IT IS RECOMMENDED that Plaintiff's Motion for Partial Summary Judgment (Dkt. #23) be DENIED WITHOUT PREJUDICE.

Dated this 28th day of January, 2013.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE

NOTICE

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court. Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and recommendations of a magistrate judge shall file and serve *specific written objections* together with points and authorities in support of those objections, within fourteen days of the date of service of the findings and recommendations. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court’s Order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are subject to the page limitations found in LR 7-4.